# CONFERENCE ON DISARMAMENT

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REPORT OF THE AD HOC COMMITTEE ON
EFFECTIVE INTERNATIONAL ARRANGEMENTS TO
ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE
OR THREAT OF USE OF NUCLEAR WEAPONS

## I. INTRODUCTION

1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament decided to re-establish for the duration of its 1994 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

## II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 671st plenary meeting on 17 February 1994 the Conference on Disarmament appointed Ambassador Baron Alain Guillaume of Belgium as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. Between 24 February and 29 August 1994 the Ad Hoc Committee held 16 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators and other representatives.

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4. The following new documents were submitted to the Committee in connection with the item during the 1994 session:

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| CD/1256 | Dated 31 March 1994 submitted by the Group of 21 entitled "Declaration on the question of Negative Security Assurances" |
| CD/SA/WP.18 | Working Paper entitled "Preliminary and personal conclusions by the Chairman" |
| CD/SA/WP.19 | Working Paper entitled "The Response of the Syrian Arab Republic to the Questionnaire (CD/SA/WP.25) prepared by the Chairman of the Ad Hoc Committee" |
| CD/SA/CRP.24 | 1994 Timetable of Meetings |
| CD/SA/CRP.25 | Questionnaire prepared by the Chairman |

## III. SUBSTANTIVE WORK

5. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Plenary Records, or further elaborated them, as described in the following paragraphs.

6. At the suggestion of the Chairman, and in an effort to reassess the current political environment and the new favourable opportunities it provided, the Ad Hoc Committee devoted the entire second part of the annual session to an intensive informal exchange of views on the basis of a Questionnaire prepared by the Chairman (CD/SA/CRP.25) on such issues as threat perception, and especially nuclear threat, potential dangers to national and international security, the scope of guarantees and the right for protection, the beneficiaries and providers of guarantees, the scope and type of sanctions in a system of collective security, including a possible role for the United Nations, and the framework of a possible agreement. From a general point of view, the informal exchange of views was useful and highlighted areas of potential progress. However, at this stage of the discussions, no consensus had been reached.

7. In parallel it was suggested by the Chairman to establish a drafting group to submit concrete proposals to the Ad Hoc Committee, but there was no consensus on this suggestion.

8. The Ad Hoc Committee was informed that the five nuclear-weapon States held consultations on security assurances.

9. All delegations reiterated that they attach particular importance to the question of international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and expressed their readiness to engage in a search for a mutually acceptable solution of the issue.

10. The Group of 21 insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts, in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as soon as possible.

11. In a declaration issued on 31 March 1994 (CD/1256) the Group of 21 reiterated its conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked nor threatened with these weapons. It reaffirmed the need to conclude a multilateral agreement of a legally-binding character, linking nuclear-weapon States and non-nuclear-weapon States and, in this context, suggested some principles on the basis of which such an agreement could be negotiated within the Conference on Disarmament.

12. Some delegations belonging to the Group of 21 reiterated their view that non-nuclear-weapon States parties to the NPT or to regional nuclear weapon-free zones, or those who had signed a comprehensive safeguards agreement with the IAEA, were entitled to immediate, unconditional, legally-binding comprehensive security assurances, which would not be limited in scope, framework or duration, since they have already fulfilled their own engagement towards non-proliferation and nuclear disarmament.

13. Some delegations of this Group also proposed, as a possible alternative to an international convention, to add to the Non-Proliferation Treaty an additional protocol embodying legally-binding nuclear security assurances.

14. India referred to its Action Plan by which it advocated the conclusion of a convention to outlaw the use or threat of use of nuclear weapons, pending their elimination, as a measure collateral to nuclear disarmament. It stressed that partial and conditional pledges of non-use of nuclear weapons which may be undertaken by nuclear-weapon States, whether in a separate undertaking or in

some common formula, would not provide real security to the non-nuclear-weapon States. Stressing that NSAs should not be used as a pretext for further discriminatory obligations on non-nuclear-weapon States, it found no links between NSAs and the 1995 NPT Review and Extension Conference, and insisted on the necessity to work towards the common approach on a common formula that could be included in an international instrument with a legally-binding character.

15. Indonesia stated that negative security assurances was an issue that needed urgent and serious attention, particularly since it was bound to have some influence on both CTBT negotiations and the NPT Review and Extension Conference. It also recalled the importance that the Heads of State and Government of the non-aligned countries attached to a multilateral and legally-binding Convention governing the issue, as expressed during the 10th Summit in Jakarta in 1992 and reiterated by the non-aligned Foreign Ministers in Cairo in June 1994.

16. The delegation of Myanmar stated that effective international arrangements or agreement on negative security assurances (NSAs) was a question of utmost importance in its own right. Such a step would ensure the security of non-nuclear-weapon States and would enhance international security. In addition, the importance of NSAs lay in the fact that effective international arrangements or agreement on NSAs and a comprehensive test ban treaty constituted two of the most crucial elements of an effective régime of the NPT. The present-day realities dictated that nuclear-weapon States should continue to carry forward the process of de-emphasizing the role of nuclear weapons. Myanmar considered that NSAs were a vital element of this process.

17. The delegation of Pakistan recalled UN General Assembly Resolution 48/73 of 1993, which was overwhelmingly adopted with 166 votes in favour and no votes against, and stated that there was a need to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These assurances, based on a common formula, should be given in a multilaterally-negotiated, legally-binding instrument. In the meantime, the nuclear-weapon States should provide unconditional assurances, without qualifications or exceptions, not to use or threaten to use nuclear weapons against all non-nuclear-weapon States.

18. The Western Group welcomed the approach by the Chairman to search for new ideas and avenues to pursue the issue of negative security assurances in informal consultations with a view to re-assessing the question of security

assurances in the light of recent changes in the international situation.

19. The Western Group emphasized that security assurances should only be extended to non-nuclear-weapon States which had undertaken and were in compliance with commitments under the Non-Proliferation Treaty or any comparable internationally-binding agreements not to manufacture or acquire nuclear explosive devices. The Western Group recognized the legitimacy of the request for assurances against the use or threat of use of nuclear weapons by such non-nuclear-weapon States.

20. The Western Group expressed the view that the question of security assurances should be reassessed in the context of recent changes in the international situation. In view of the end of the Cold War and the emergence of new threats, in particular the increased danger of nuclear proliferation, the issue of security assurances deserved to be considered in a wider perspective.

21. All members of the Western Group recognized the importance of existing unilateral assurances and expressed support for the efforts of the five nuclear-weapon States to harmonize the content of their existing assurances. A number of delegations also supported the idea of a multilaterally-negotiated international agreement or a mandatory UN Security Council resolution on the issue of security assurances.

22. The Western Group supported the search for a solution acceptable to all relevant parties.

23. France considered that the question of security assurances involved at the same time the international responsibilities of the acknowledged nuclear Powers, respect for commitments entered into as regards non-proliferation, and defence imperatives. As a nuclear Power, France fulfilled its obligations since it already granted security assurances to non-nuclear-weapon States which had undertaken to retain that status. It stood ready to harmonize the terms of its declaration with the other nuclear Powers. As far as non-proliferation commitments were concerned, France considered that only States that had entered into legally-binding international undertakings, such as accession to the NPT, and complied with them, should benefit from these security assurances. This requirement was all the more necessary since heightened risks of proliferation were creating new threats to international security. Lastly, the defence policy of France rested on the maintenance of nuclear capabilities whose sole purpose was to deter any aggressor from harming its vital interests. France

was prepared to pursue efforts to reach an acceptable solution to this question which took account of these three elements.

24. The United Kingdom expressed their deep concern about the possible proliferation of nuclear weapons, as well as the potential threats from other weapons of mass destruction and from advanced conventional weapons. This formed part of the security context in which the United Kingdom approached the issue of security assurances. The United Kingdom recognised the importance which many countries attached to security assurances. They stressed the continuing validity of their unilateral security assurances which were solemn and formal undertakings. At the same time, they had been working with other nuclear weapon States to try to devise a joint text on assurances which might offer further reassurance to non-nuclear-weapon States. However, no-one should lose sight of the simple fact that non-nuclear-weapon States parties to the Non-Proliferation Treaty or to other internationally-binding and verifiable commitments not to manufacture or acquire nuclear explosive devices already benefitted from security assurances from the United Kingdom. By linking the assurances to the NPT and IAEA safeguards, the United Kingdom believed they were supporting the non-proliferation objectives to which the international community was committed.

25. The United States of America recalled its solemn and binding unilateral security assurance of 1978, a position that had been reiterated by every subsequent Administration. It emphasized that it continued to work actively toward the goal of a common negative security assurance formulation applicable to non-nuclear-weapon States parties to the Non-Proliferation Treaty or to another comparable internationally-binding commitment not to acquire nuclear explosive devices. Of course, non-nuclear-weapon States must be in compliance with these undertakings to be eligible for any negative security assurance. Substantial progress along these lines had already been achieved as demonstrated by the January 14, 1994 trilateral statement issued in Moscow (CD/1243) which noted the willingness of the United States, Russia, and the United Kingdom to affirm a common negative security assurance to Ukraine once it accedes to the Non-Proliferation Treaty.

26. The delegation of China supported the negotiation and early conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States, which would have a positive impact on the CTBT negotiations and the NPT Review Conference of 1995. It reiterated its

commitment that at no time, and under no circumstances, would it be the first to use nuclear weapons, and that it would not use nuclear weapons against non-nuclear-weapon States and nuclear weapon-free zones. It called on the five nuclear-weapon States to negotiate and conclude an international agreement on the non-first-use of nuclear weapons, as the time was ripe to do so in the present international situation.

27. The delegation of Romania expressed the view that an arrangement in this area should essentially be premised upon a universal and legally-binding international agreement providing for negative as well as positive security assurances that were global in scope, uniform and comprehensive, and ensured equality of the States renouncing the acquisition of nuclear weapons through multilateral treaties. At the same time, the search for a solution to the problem of security assurances should not leave aside the United Nations, which had considerably enhanced its role and credibility in maintaining international peace and security. Therefore it favoured the idea of a Security Council confirmation, on a broader basis, of the commitments which were originally undertaken in UN Security Council Resolution 255 of 1968.

28. The Russian Federation stated that it considered it proper and desirable to work out in the Conference on Disarmament a multilateral, legally-binding agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It considered that assurances to be given by the five nuclear-weapon States should be in direct linkage with the commitments undertaken by non-nuclear weapon States within the NPT. At the same time, the Russian delegation confirmed that it deemed it important to develop a common formula through negotiations among the five nuclear Powers as a necessary stage in the elaboration of the above-mentioned multilateral agreement. Such a common formula could be confirmed by a mandatory resolution of the UN Security Council. The Russian delegation also reiterated the legally-binding character of the unilateral Russian declaration on NSA, as formulated in the recently adopted Russian Military doctrine.

29. The delegation of Sweden held the view that as long as nuclear arms existed there remained a need for the non-nuclear-weapon States to receive firm assurances against the use or threat of use of such weapons. States which had forsworn the nuclear option by adhering to the Non-Proliferation Treaty or other legally-binding international agreements, and effectively abided by them, had indeed a legitimate right to enjoy such assurances. A solution to this issue was, in fact, long overdue. The optimal solution would be a multilateral treaty, whereby the nuclear-weapon States would unambiguously, and without

reservations, commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

## IV. CONCLUSIONS AND RECOMMENDATIONS

30. The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution on the issue of NSAs might also involve addressing the problem of positive assurances and build on the principles contained in UN Security Council Resolution 255 of 1968.

31. It was felt that any further discussion on the issue of negative security assurances should take into full account the outcome of the 1994 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions.

[32.On this understanding it was agreed to recommend to the Conference on Disarmament to re-establish the Ad Hoc Committee at the beginning of the 1995 session.]*

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* The delegation of Mexico did not agree to the linkage of the re-establishment of this Committee, which has its own value, to the re-establishment of other Committees having nothing to do with the substance under discussion in this Committee.